IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 23973 of 2004

Between:

1) Sri M. Shiva Kumar, S/o. Sri M. Lakshmaiah,
R/o. Kottapalli Village, Shankarpally Mandal,

R.R.District.
2) Mohd. Jakeer, S/o. Mahaboob Sahab,
R/o. Kottapally Village, Shankarpally Mandal, R.R.

District.

.... PETITIONERS

AND

1 The Joint Collector (CS) R.R.District, at Saifabad,

Hyderabad-4.
2 The R.D.O., Chevella Division, R.R.District at

Upparpally Cross Road, Rajendranagar Mandal,

R.R.District.
3 Smt. M. Nagamani, W/o. Srinivas,
R/o. Shankarpally Village & mandal, R.R.District.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus and set aside the orders of the R2 herein for appointment of F.P. Shop

delaer Kottapally Village to an Non-residential candidate in Proc. No. E/3927/2003 dt. 04. and served the R3 on 8/12/2004 and pass such other order or orders in the circumstances of the case.

Counsel for the Petitioner:MR.BOLLAM LINGAIAH YADAV

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The petitioners and the third respondent submitted their applications, in response to a Notification issued by the second respondent, for appointment of a fair price shop dealer for Kothapally village. The petitioners claim that the second respondent appointed the third respondent as dealer though she is not a resident of that village. They preferred an appeal before the first respondent together with an application for grant of stay. Their grievance is that the first respondent has not passed any orders so far, and seek appropriate directions, in this regard.

2. Heard learned counsel for the petitioners and the learned Government Pleader for Civil Supplies.

3. Petitioners challenge the appointment of third respondent as the fair price shop dealer. Except where the order of appointment is *exfacie* illegal, it cannot be stayed, pending disposal of the appeal. The validity or otherwise of an appointment, has to be considered at the hearing of the appeal, after hearing all the concerned parties. This Court is not convinced to interfere with the order of appointment, at this stage. It hardly needs any emphasis that the appointment of the third respondent shall be subject to the outcome of the appeal.

4. Hence, the writ petition is disposed of directing the first respondent to pass appropriate orders in the appeal itself, within 8 weeks from the date of receipt of copy of this order, duly issuing notice to the third respondent. There shall be no order as to costs.

L.NARASIMHA REDDY, J

Dated : 22.12.2004

Note: - Issue C.C in three days

(B/o)

RAR/TS

To

1 The Joint Collector (CS) R.R.District, at Saifabad,

Hyderabad-4.

2 The R.D.O., Chevella Division, R.R.District at

Upparpally Cross Road, Rajendranagar Mandal,

R.R.District.
3 2 CCs to G.P for Civil Supplies, High Court Buildings,

Hyderabad (OUT)

4 2 CD copies.